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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION**

EDWARD HEYMER, on behalf of  
himself and all others similarly  
situated,

Plaintiff,

v.

HARLEY-DAVIDSON MOTOR  
COMPANY GROUP, LLC,

Defendant.

Case No. 5:22-cv-02085 AB (MAAx)

**JOINT STIPULATION  
REGARDING WAIVER OF  
SERVICE AND STAY OF  
PROCEEDINGS**

Plaintiff Edward Heymer and Defendant Harley-Davidson Motor Company Group, LLC. (collectively, the “Parties”) by and through their respective counsel, hereby agree to the following with reference to the following facts:

1. Plaintiff filed his complaint (“Complaint”) on November 23, 2022.
2. To date, the Complaint has not been served on Defendant.

1       3.     On December 1, 2022, Plaintiffs Scott Koller, James Billings, Rita Weaver,  
2     Jacqueline Assise, Robert Assise, and Jerome Wagner filed a Motion For Transfer Of  
3     Related Actions To The Northern District Of California Pursuant To 28 U.S.C. § 1407  
4     For Consolidated Pretrial Proceedings (“Motion to Transfer”) with the United States  
5     Judicial Panel on Multidistrict Litigation (“JPML”). *See In Re: Harley-Davidson*  
6     *Aftermarket Parts Marketing Sales Practices and Antitrust Litig.*, MDL No. 3064,  
7     (“JPML Docket”) ECF No. 1.

8       5.     Responses to the Motion to Transfer, including by Plaintiff, were filed on  
9     December 27, 2022. *See JPML Docket*, ECF Nos. 17, 18, 19, 20.

10     4.     The Motions are scheduled to be heard before the JPML at the January 26, 2023  
11     Panel Hearing Session.

12             NOW, THEREFORE, so as to preserve both party and judicial resources  
13     pending the JPML’s decision on the Motion to Transfer, the Parties, by and through  
14     their undersigned counsel, stipulate to the following:

15     (1)     Defendant waives service of the summons in satisfaction of the requirements of  
16     Fed. R. Civ. P. 4(d).

17     (2)     All proceedings with respect to this action shall be stayed, including the time  
18     for Defendant to answer or otherwise respond to the Complaint, which shall be stayed  
19     until further order of this Court or, if different, the transferee court, in light of the  
20     Motion to Transfer.

21     (3)     Following the JPML’s resolution of the Motion to Transfer, or the withdrawal  
22     of all pending JPML Motions, Plaintiff and Defendant shall meet and confer in good  
23     faith to attempt to agree to a stipulated schedule for Defendant to answer or otherwise  
24

1 respond to the Complaint and, if appropriate, a briefing schedule with respect to any  
2 motions filed pursuant to Fed. R. Civ. P. 12.

3 (4) If Plaintiff and Defendant are unable to agree to a stipulated schedule as set  
4 forth in the preceding paragraph, Plaintiff and Defendant shall submit a joint brief to  
5 this Court or, if different, to the transferee court regarding such schedule.

6 (5) Plaintiff and Defendant stipulate and agree that the agreement to this Stipulation  
7 by Defendant shall not constitute a waiver of (a) any jurisdictional defenses that may  
8 be available under Rule 12 of the Federal Rules of Civil Procedure; (b) any affirmative  
9 defenses under Rule 8 of the Federal Rules of Civil Procedure; or (c) any other  
10 statutory or common law defenses that may be available to Defendant in this and the  
11 other Related Actions. Defendant expressly reserves its rights to raise any such  
12 defenses (or any other defense) in response to either the current Complaint or any  
13 amended complaint that may be filed relating to this action.

14  
15 **Stipulated and Agreed to this 3rd day of January 2023 by:**

16 /s/ Alex R. Straus

17 Alex R. Straus

18 **MILBERG COLEMAN BRYSON**

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25  
26 *Counsel for Plaintiff*  
27 *Edward Heymer*

28 /s/ Tamara A. Bush

Tamara A. Bush

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*Counsel for Defendant Harley-*  
*Davidson Motor Company Group, LLC*

**ATTESTATION**

I am the ECF user whose identification password are being used to file the foregoing Joint Stipulation Regarding Waiver of Service and Stay of Proceedings. Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), I, Alex R. Straus, attest that all other signatories listed, and on whose behalf the filing is submitted, concur in this filing's content and have authorized such filing.

Dated: January 3, 2023

/s/ Alex R. Straus

Alex R. Straus (State Bar No. 321366)

